

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Y.S.R. District (formerly Kadapa) – Withdrawal of prosecution against Sri C.Ramachandraiah, MLC and others in Cr.No.24/2006, under sections 147, 506, 452, 427, 353 and 323 read with section 149 of the Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to the Public Property Act, 1984 of Rajampet Police Station pending before the Hon'ble Judicial First Class Magistrate, Rajampet vide CC No.14/2011 – Orders – Issued.

LAW (L.A. & J – HOME – COURTS-B) DEPARTMENT

G.O.Rt.No.74

Dated:13.01.2012,

Read:

From the Director General of Police, A.P., Hyderabad, Lr.Rc.No.5509/C1/2011,
Dated:15.11.2011.

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ORDER:

The Director General of Police, Andhra Pradesh, Hyderabad has furnished the report of the Superintendent of Police, Y.S.R., Kadapa District, wherein the Superintendent of Police, concerned has reported that on 06.03.2006, Sri C.Ramachandraiah and 22 others formed themselves into an unlawful assembly, took out procession at Mannur without obtaining permission from the concerned authorities by raising the slogans against the Hon'ble Chief Minister, Local MLA and Government Administration. Further Sri C.Ramachandraiah, criminally trespassed into the DEE Office by abusing the staff and also pushed the Addl. Superintendent of Police (Administration) and abused him. A case in Cr.No.24/2006, under sections 147, 506, 452, 427, 353, 323 read with section 149 of the IPC and Section 3 of the Prevention of Damage to the Public Property Act, 1984 of Rajampet (Urban) Police Station was registered against the following accused:-

S/Sri

1. Sri Chennamsetty Ramachandraiah, Ex-MP (RS.) (presently Hon'ble MLC), S/o.Sreeramulu, R/o.Cooperative Colony, Near Nehru Park, Kadapa;
2. B.Hari Prasad, P.R.P. President, Kadapa District, R/o.Kadapa;
3. Shaik Nawabjan @ Ameer Babu, Ameerjan, D.No.7/86, Chilakalabavi Street, Kadapa;
4. Basineni Siddaiah Naidu, S/o.Narayana Naidu, Y.B.N.Palli, Rajampet Town;
5. Katta Balaji, S/o.Narayana Naidu, Rly.Kodur, Kadapa District;
6. Konduru Rama Raju, S/o.Venkatraju, Ex-MPP, MPDO Office Road, Rajampet;
7. Edamadakal Kumar, S/o.Subramanyam, Mannur of Rajampet Mandal;
8. Para Subba Naidu, S/o.Lakshmaiah Naidu, Bramhanapalli (Vg) of Rajampet Mandal;
9. Kovuru Subramanian Naidu @ Athiralla Subramanyam Naidu, S/o.Bapanaiah;
10. Tarigopula Lakshmi Narayana Naidu, S/o.Narasimhulu, R/o.D.No.6/445-B1, R.S.Road, Rajampet Town;
11. Bandaru Balaiah, S/o.Pedda Subbarayudu, Mannur (Vg), Rajampet (M);
12. Maddipatla Venkata Ramana, S/o.Chinna Rangaiah Naidu, Noonevaripalli, Rajampet Town;
13. Dharmisetty Venkata Ramana, S/o.Venkata Subramanyam, Edigapalem, Rajampet Town;
14. Pasupuleti Bramhaiah, S/o.Veeraiah, Kondayapalli, Kadapa Town;
15. Gagguturu Moula @ Mannur Moula Sab, S/o.Imam Saheb, Mannur, Rajampet (M);
16. Gandikota Guljar Basha, S/o.G.Md.Silar, Noonevaripalli Road, Rajampet Town;
17. Akepati Sreenivasulu Reddy @ Murali, S/o.Gopalreddy, Noonevaripalli
18. Aritakula Sreenivasulu, S/o.Narasimhulu, Mannur of Rajampet (M);
19. Nagaram Viswanatha Achary, S/o.Bramhaiah Achary, D.No.2/17, Ram Nagar, Rajampet Town;
20. Vardhinaboina Sudhakar Babu @ Vankayala Babu, S/o.Subbarayudu, Kolimi Street, Rajampet Town;
21. Gudaru Subramanyam Naidu, S/o.Chinna Subbaiah, Mittameedipalli (Vg), Rajampet (M); and
22. Chitte Manohar, S/o.Subbaiah, Mannur (V), Rajampet (M).

2) Further, the Director General of Police, Andhra Pradesh, Hyderabad has stated that Sri C.Ramachandraiah, MLC has made a representation to the Hon'ble Minister for Home, for withdrawal from prosecution against him and others in Cr.No.24/2006, under sections 147, 506, 452, 427, 353 and 323 read with section 149 of the Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to the Public Property Act, 1984 of

Rajampet Police Station, pending before the Judicial First Class Magistrate Court, Rajampet vide CC No.14/2011 and that Government can consider for withdrawal of prosecution in the matter.

3) Further, the Senior Asst. Public Prosecutor, Kadapa has stated that the complaint neither discloses any preplan or pre-motive nor shows that any of the accused holding or possessing any deadly weapons or anything can be used as a weapon for alleged offences against the de-facto complainant or against the R&B officials and that on the other hand stated that the complaint itself shows that there was no obstruction of the duties of the complainant as to the alleged offences and that, therefore, in his opinion, after going through the entire circumstances, there is no *prima facie* case to bring the alleged offences into motion of law against the accused.

4) Further, the Law Department stated that the Superintendent of Police, Y.S.R. District in his letter, dated:05.11.2011 inter alia, that it is not desirable to withdraw the prosecution, whereas, the Senior Asst. Public Prosecutor stated that there is no *prima facie* case and thereby opined that it is for the administrative Department to examine the issue in detail and take a decision on merits of the case.

5) Government after careful examination of the matter observed that since the Senior Assistant Public Prosecutor has opined that there is no *prima facie* case, hence, decided for withdrawal from prosecution against Sri C.Ramachandraiah, MLC and (21) others as mentioned in para (1) above in Cr.No.24/2006, under sections 147, 506, 452, 427, 353, 323 read with section 149 of the IPC and Section 3 of the Prevention of Damage to the Public Property Act, 1984 of Rajampet (Urban) Police Station, pending before the Judicial First Class Magistrate Court, Rajampet, vide CC No.14/2011.

6) The Government after careful examination of the matter direct the Collector and District Magistrate, Y.S.R. District to instruct the Asst. Public Prosecutor concerned to apply his mind and take appropriate steps to file a petition under section 321 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) for withdrawal of prosecution against Sri C.Ramachandraiah, MLC and (21) others, as mentioned in para (1) above in Cr.No.24/2006, under sections 147, 506, 452, 427, 353, 323 read with section 149 of the Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to the Public Property Act, 1984 of Rajampet (Urban) Police Station, pending on the file of the Judicial Magistrate of First Class Court, Rajampet, vide CC No.14/2011, under intimation to the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.SHANKAR NARAYANA,
SECRETARY TO GOVERNMENT,
LEGISLATIVE AFFAIRS & JUSTICE.

To

The Collector & District Magistrate, Y.S.R. District (formerly Kadapa)

The Director General of Police, A.P., Hyderabad. (we) (CD file)

The Superintendent of Police, Y.S.R. District (formerly Kadapa)

The Assistant Public Prosecutor concerned (thro' Collector concerned)

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// FORWARDED :: BY ORDER //

SECTION OFFICER.